

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEW ISLAND CAPITAL MANAGEMENT,
INC.,

Plaintiff,

v.

WWW.NEWISLANDCAPITAL.COM,

Defendant.

Case No. 2:12-cv-00320-JLR

**DECLARATION OF ERIC BALL IN
SUPPORT OF PLAINTIFF NEW ISLAND
CAPITAL MANAGEMENT, INC.'S
MOTION FOR AN ORDER DIRECTING
PUBLICATION OF THE SUMMONS AND
COMPLAINT BY EMAIL**

1 I, Eric J. Ball, declare as follows:

2 1. I am an attorney at law, duly licensed to practice law in California, and am
3 admitted to this district *pro hac vice* for purposes of the above-captioned action. I am an
4 associate with the law firm of Fenwick & West, LLP, counsel of record for plaintiff in the above-
5 captioned action. I have personal knowledge of the matters set forth herein, and can testify
6 competently as to those facts, if called upon to do so.
7

8 2. Attached hereto as **Exhibit A** is a true and correct copy of an email I received
9 on February 29, 2012 from the Registrants of www.newislandcapital.com and their
10 lisa@newislandcapital.com email address. The Registrants' email acknowledged receipt and
11 notice of the Summons and Complaint for this *in rem* action concerning
12 www.newislandcapital.com.
13

14 3. Attached hereto as **Exhibit B** is a true and correct copy of an email received
15 by Plaintiff's agent on January 26, 2012 from the Registrants of www.newislandcapital.com
16 and their ongfaris@gmail.com email address.

17 I certify under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct.

19 EXECUTED at Mountain View, California this 1st day of March, 2012.
20

21 s/ Eric J. Ball
22 ERIC J. BALL
23
24
25
26

CERTIFICATE OF SERVICE

I, Sharie L. Parks, hereby certify that on March 1, 2012, I caused the foregoing
**DECLARATION OF ERIC BALL IN SUPPORT OF PLAINTIFF NEW ISLAND
 CAPITAL MANAGEMENT, INC.'S MOTION FOR AN ORDER DIRECTING
 PUBLICATION OF THE SUMMONS AND COMPLAINT BY EMAIL** to be served on
 the following parties as indicated below

| | |
|--|---|
| www.newislandcapital.com WhoisGuard Protected (e5cb86c834b941e48dcbf150b7b743ea.protect@ whoisguard.com 11400 W. Olympic Blvd., Suite 200 Los Angeles, CA 90064 Defendants | [X] By United States Mail [] By Legal Messenger [] By Electronic CM/ECF [] By Overnight Express Mail [] By Facsimile [] By Email |
|--|---|

Dated: March 1, 2012

s/Sharie L. Parks
 for Eric J. Ball (*pro hac vice*)
 FENWICK & WEST LLP